

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NORMAN LAURENCE

v.

C.A. NO. 07-081 ML

A.T. WALL, ET AL.

Report and Recommendation

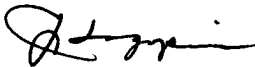
Jacob Hagopian, Senior United States Magistrate Judge

On March 2, 2007, *pro se* plaintiff Norman Laurence, an inmate lawfully confined at the Rhode Island Department of Corrections, filed a Complaint pursuant to 42 U.S.C. § 1983, naming some forty plus defendants, officials or employees at the Department of Corrections. On September 4, 2007, plaintiff filed an Amended Complaint. Plaintiff, however, has failed to serve properly a single defendant in this case.

On February 5, 2008, I issued an Order directing that the plaintiff show cause, in writing, why this action should not be dismissed due to his failure to effect service. Plaintiff timely responded to the Show Cause Order. In his response, plaintiff essentially indicates that he has attempted to serve the defendants to no avail. However, Rule 4 clearly places the burden on the plaintiff to effect service, see Fed. R. Civ. P. 4(c) ("The plaintiff is responsible for service of the summons and a complaint within the time allowed under [Rule 4(m)]...."), and plaintiff is well beyond the 120 day window in which he was required to effect

service. See Fed. R. Civ. P. 4(m).

Accordingly, I find that the plaintiff has failed to show cause why this action should not be dismissed. Since plaintiff has failed to effect service on any named defendant within the time provided in Rule 4(m), I recommend that this action be dismissed in its entirety. Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. United States v. Valencia-Copete, 792 F.2d 4 (1st Cir. 1986) (per curiam); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
February 26, 2008